

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Debtor.

**THE COUNTY OF OAKLAND, MICHIGAN'S RESPONSES TO DEBTOR'S
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

The County of Oakland, Michigan ("Oakland County"), through its counsel, responds to Debtor's First Request for Production of Documents ("Requests") as follows.

GENERAL OBJECTIONS

The following objections are stated as to all demands, whether or not specifically restated in response to any particular Request.

1. Oakland County objects to the Requests to the extent that the definitions or instructions set forth therein seek to impose requirements beyond those contained in the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure or the Local Rules for the United States Bankruptcy Court for the Eastern District of Michigan.
2. Oakland County objects to the Requests to the extent that they seek information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action.
3. Oakland County objects to the Requests to the extent that they seek information protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege, accountant-client privilege, the common interest doctrine, or other any applicable privilege.

4. Oakland County objects to the Requests to the extent that they are oppressive, overly broad, unduly burdensome, would involve unreasonable financial expense to Oakland County, and/or seek confidential information. Oakland County will produce confidential documents only after a suitable protective order is in place.

5. Oakland County objects to the Requests to the extent they seek the production of information and documents which are not within its possession, custody, or control.

6. Oakland County objects to the Requests to the extent that they are vague, ambiguous, or fail to describe the information or documents sought with sufficient particularity to allow for a meaningful response.

7. Oakland County objects to the Requests to the extent that they are unduly burdensome, compound, and/or duplicative.

8. Oakland County objects to the Requests to the extent that they purport to seek documents that are a matter of public record and/or documents that are otherwise equally accessible.

9. Oakland County objects to the Requests to the extent that they call for organization of documents according to the request. Oakland County will produce discoverable documents as they are kept in the ordinary course of business.

10. Oakland County states these objections without waiving or intending to waive, but on the contrary preserving and intending to preserve: (a) all objections to the competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the responses to the Requests or the subject matter thereof, in any subsequent proceeding in, or the trial of, this or any other action; (b) the right to object on any grounds to the use of any response, or the subject matter thereof, in any subsequent proceeding in, or the trial of, this or any other action; (c) the right to object on any grounds at any time to a demand for further response to these or any other discovery procedures involving or related to the subject matter of the Requests; and (d) the right to object on any grounds to any other or future discovery requests.

11. By responding to any Discovery Request, Oakland County does not admit the relevance or admissibility of the information and/or documents provided.

12. Oakland County objects to the Requests on the grounds that there is no date range identified for the production of documents. During a conference among counsel, Debtor agreed to limit its Requests to “five years of data”. Oakland objects to that proposed limitation as overbroad, unduly burdensome and seeking documents that are neither relevant to the subject matter of this action nor reasonably calculated to lead to the

discovery of admissible evidence related to a claim or defense in this action. Oakland will produce responsive, non-privileged documents from February 2013 (the first time Oakland participated in any discussions relating to the creation of a regional authority) through March 2014 (the date on which the Debtor ceased such discussions with Oakland).

13. Oakland objects to the Requests on the grounds that they seek “all documents relating to any research, studies, reports or analysis” on the grounds that it is overbroad and unduly burdensome. Oakland will produce any substantive, non-privileged documents that constitute research, studies, reports or analysis or inform or form the basis of such research, studies, reports or analysis.

REQUESTS FOR PRODUCTION

REQUEST:

1. All documents relating to any research, studies, reports or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the viability of the Detroit Water and Sewer Department (“DWSD”) on a stand-alone basis.

RESPONSE:

Oakland County objects to Request No. 1 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 1 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

2. All documents relating to any research, studies, reports, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the viability of DWSD assuming that it operates as part of a regional authority.

RESPONSE:

Oakland County objects to Request No. 2 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 2 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

3. All documents relating to any research, studies, reports, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the DWSD rate structure and how various rate structures benefit you.

RESPONSE:

Oakland County objects to Request No. 3 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 3 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Oakland further objects to Document Request No. 3 on the grounds that the terms “structure” and “benefit” are vague and ambiguous. Oakland further objects to this Document Request as overbroad and unduly burdensome to the extent it seeks documents that are readily available or more accessible to the Debtor from the Debtor’s own files. Subject to those and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

4. All documents relating to any research, studies, reports, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the level of capital improvement projects needed to maintain DWSD systems, and how various levels of such projects benefit you.

RESPONSE:

Oakland County objects to Request No. 4 on the grounds that it seeks information

which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 4 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Oakland further objects to this Document Request as overbroad and unduly burdensome to the extent it seeks documents that are readily available or more accessible to the Debtor from the Debtor's own files. Oakland further objects to Document on the grounds that the term "benefit" is vague and ambiguous. Subject to those and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

5. All documents relating to any research, studies, reports, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the proposed \$47 million lease, including but not limited to any research, studies, reports, or analyses addressing the viability of DWSD under said lease.

RESPONSE:

Oakland County objects to Request No. 5 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 5 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

6. All documents relating to any research, studies, reports, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the feasibility of exiting the DWSD system.

RESPONSE:

Oakland County objects to Request No. 6 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 6 on the grounds that it is overbroad, unduly burdensome and seeks information that is

protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

7. All documents relating to your collection and bad debts rates for the fiscal years 2009, 2010, 2011, 2012, and 2013.

RESPONSE:

Oakland County objects to Request No. 7 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 7 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Oakland County further objects on the grounds that this request is irrelevant because Oakland's bad debt and collection rates have no relation to the DWSD. By way of further response, Oakland states that it has no "bad debt" or collection issues, given that its customers are municipalities that are, and have always been, current in the payment of their bills. After a diligent search and based on Oakland's understanding of this request, Oakland is not in possession, custody, or control of any responsive documents.

REQUEST:

8. All documents relating to any research, studies, reports, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding valuation(s) of DWSD.

RESPONSE:

Oakland County objects to Request No. 8 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 8 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

9. All communications between you and any DWSD bond insurers or financial advisors.

RESPONSE:

Oakland County objects to Request No. 9 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 9 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

10. All communications between you and UHY, or any other consultants.

RESPONSE:

Oakland County objects to Request No. 10 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 10 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

11. All documents relating to any potential transaction regarding privatization of DWSD or the creation of a regional authority to operate DWSD.

RESPONSE:

Oakland County objects to Request No. 11 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 11 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the

joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

REQUEST:

12. All documents referred to, reviewed, consulted, or relied on in responding to the accompanying Interrogatories (served herewith) and not otherwise produced in response to these Requests for Production of Documents.

RESPONSE:

Oakland County objects to Request No. 12 on the grounds that it seeks information which is not relevant to the subject matter of this action in that it is neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence related to a claim or defense in this action. Oakland County further objects to Request No. 12 on the grounds that it is overbroad, unduly burdensome and seeks information that is protected from disclosure by the attorney-client privilege, the work-product doctrine, the joint defense privilege and/or the common interest doctrine. Subject to that and the General Objections, Oakland will produce existing, non-privileged documents.

RESPECTFULLY SUBMITTED,

CARSON FISCHER, P.L.C.

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Co-counsel for Oakland County, Michigan

Date: May 6, 2014

CERTIFICATE OF SERVICE

I certify that on May 6, 2014 I electronically filed the County of Oakland, Michigan's Responses to Debtor's First Requests for Production of Documents with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

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